

FR:EMS
F.#2013R00961

FILED
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U S DISTRICT COURT E D N Y

★ JAN 28 2016 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

UNITED STATES OF AMERICA,

- against -

UMMAR UPPAL,
also known as "Amar Uppal,"

Defendant.

STIPULATION OF SETTLEMENT
AND PARTIAL FINAL ORDER
OF FORFEITURE

13 CR 0352 (SJF)

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WHEREAS, on October 20, 2014, UMMAR UPPAL (the "Defendant")
entered a plea of guilty to Count Two of the above-captioned indictment, charging violations
of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i);

WHEREAS, on April 7, 2015, pursuant to 8 U.S.C. § 1324(b)(1), 18 U.S.C.
§§ 981(a)(1)(C) and 982(a)(6), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p), the Court
entered a Preliminary Order of Forfeiture to forfeit all of Defendant's right, title and interest
in the following:

- a) a forfeiture money judgment in the sum of four hundred and
ninety thousand dollars and no cents (\$490,000.00);
- b) all right, title and interest accorded to the franchisee pursuant to
that certain Store Franchise Agreement dated February 12, 1990 for 7-Eleven store number
11218 located in Islip Terrace, New York, and all proceeds traceable thereto;

c) all right, title and interest accorded to the franchisee pursuant to that certain Store Franchise Agreement dated January 9, 2002 for 7-Eleven store number 32757 located in Huntington, New York, and all proceeds traceable thereto;

d) the real property and premises located at 143 River Road, Great River, New York 11739, and all proceeds traceable thereto;

e) the real property and premises located at 205 Maple Hill Road, Huntington, New York 11743, and all proceeds traceable thereto;

f) approximately \$24,208.00 in United States currency seized on or about June 17, 2013 from a safe at 7-Eleven Store no. 11218 located in Islip Terrace, New York, and all proceeds traceable thereto;

g) approximately \$82,084.00 in United States currency and approximately 132 pieces of jewelry seized on or about June 17, 2013 from a safe at 7-Eleven Store no. 32757 located in Huntington, New York, and all proceeds traceable thereto (collectively, "the Subject Assets"); and

h) \$34,511.60 in United States currency seized on or about June 17, 2013 from Citibank account number 75190587 held in the name of Azhar Zia and Dorothy Zia, and all proceeds traceable thereto;

WHEREAS on April 7, 2015, Defendant was sentenced, and the Preliminary Order of Forfeiture became final as to Defendant pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A) and (B) and paragraph 8 of the Preliminary Order of Forfeiture, but entry of a Final Order of Forfeiture could not be entered until the United States could publish notice of the forfeiture, pursuant to Federal Rule of Criminal Procedure 32.2(b)(6);

WHEREAS, on or about July 31, 2015, October 26, 2015 and October 28, 2015, copies of the Preliminary Order of Forfeiture as to the Subject Assets were served by Federal Express on all known potential claimants;

WHEREAS, the United States published notice of its intent to forfeit the Subject Assets on the official government forfeiture website, www.forfeiture.gov, for thirty (30) consecutive days, beginning on or about June 26, 2015 and ending on or about July 25, 2015;

WHEREAS, by a series of Orders entered on September 4, 2015, October 27, 2015 and December 21, 2015, the Court extended the deadline for Shiasta Noureen ("Noureen") and Nubiasha Amar ("Amar") to file claims from September 2, 2015 up to and including January 29, 2016;

WHEREAS, Noureen and Amar hereby assert an interest in the Subject Assets;

WHEREAS, with the exception of Noureen and Amar, no other person has filed a verified claim or asserted an ownership interest in the Subject Assets and the time to do so has not been extended and thus has expired, and, upon information and belief, no person thought to have an interest in the Subject Assets is an infant or incompetent, or is presently engaged in military service; and

WHEREAS, without any admission of liability, and in order to avoid the costs and burdens associated with further litigation, the United States, Noureen and Amar wish to resolve the claim of Noureen and Amar to the Subject Assets without further litigation;

IT IS HEREBY STIPULATED AND AGREED by the United States and Claimant, and SO ORDERED BY THE COURT THAT:

1. Noureen and Amar hereby agree to forfeit to the use and benefit of the United States, pursuant to 8 U.S.C. § 1324(b)(1), 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(6), 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p), the sum of sixty thousand, eighty-four dollars and no cents (\$60,084.00) in United States currency which was seized on or about June 17, 2013, from a safe at 7-Eleven Store no. 32757 located in Huntington, New York (the "Forfeited Funds").

2. In consideration of the foregoing, the United States agrees to return to Noureen and Amar through their attorney, Duncan Levin, Esq., (a) the approximately 132 pieces of jewelry seized on or about June 17, 2013 from a safe at 7-Eleven Store no. 32757 located in Huntington, New York set forth in Attachment A (the "Returned Jewelry"); and (b) the sum of twenty-two thousand dollars and no cents (\$22,000.00) in United States currency which was seized on or about June 17, 2013, from a safe at 7-Eleven Store no. 32757 located in Huntington, New York (the "Returned Funds"), less any debt owed to the United States.

3. In consideration of the foregoing, Noureen and Amar hereby release, remise and forever discharge, the United States and its agencies, agents, officers, and employees, past and present, from all claims or causes of action which Noureen, Amar, and their agents, assigns, representatives, and successors ever had, now have, or hereafter may have against the United States and its agencies, agents, officers, and employees, past and present, for or on account of the commencement of this action, the seizure, restraint, forfeiture and/or the release of any of the Returned Jewelry and the Returned Funds and the settlement of this action.

4. Noureen and Amar agree to hold and save the United States, its officers, agents, servants and employees, their heirs, successors, or assigns, past and present,

harmless from any claims by any others, including costs and expenses for or on account of any and all lawsuits or claims of any character whatsoever in connection with the seizure, restraint, forfeiture and/or release of any of the Returned Jewelry and the Returned Funds. Noreen and Amar further agree that, in the event of such a lawsuit or claim, they shall: (a) indemnify the United States of America and its agencies, agents, employees, representatives, and officers, past and present; (b) if demanded by the United States of America, defend any such lawsuit or claim; and (c) provide evidence and testimony necessary to the defense of such lawsuit or claim.

5. The Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3716, requires the Department of the Treasury, the United States Marshals Service, and other disbursing officials to offset federal payments to collect delinquent debts owed to the United States, or delinquent debts owed to states, including past-due child support enforced by states (the "Offset"). If an offset to the Returned Jewelry and/or the Returned Funds that are being returned to Noreen and Amar is made, Noreen and Amar will receive a notification from the government. If Noreen and Amar believe that the portion of the Returned Jewelry and/or the Returned Funds that is being returned may be subject to an Offset, Noreen and Amar may contact the Treasury Department at 1-800-304-3107.

6. Noreen and Amar shall send to counsel for the United States an executed copy of this Stipulation of Settlement and Partial Final Order of Forfeiture and a completed and typed ACH form (sections 2 and 3). The Returned Funds that is being returned to Noreen and Amar will be in the form of an ACH payment made payable as indicated in the completed ACH form returned to the United States. The Returned Funds

will be routed to the bank as provided by Noureen and Amar and as indicated on the ACH form.

7. The United States District Court for the Eastern District of New York shall have exclusive jurisdiction with regard to any issues that may arise in interpreting and enforcing this Stipulation of Settlement and Partial Final Order of Forfeiture.

8. This Stipulation of Settlement and Partial Final Order of Forfeiture shall in no way be deemed to constitute an admission of culpability, liability, or guilt on behalf of Noureen, Amar or the United States or any of their respective agents, officers, representatives, successors, assigns or employees, past and present. Further, this Stipulation of Settlement and Partial Final Order of Forfeiture shall in no way constitute any reflection upon the merits of the claims and defenses asserted, if any, by the United States, Noureen and Amar.

9. The Parties agree that each Party shall bear its own costs and attorney's fees incurred in connection with this action. Noureen and Amar further expressly waive any and all rights that they may have to recover attorney's fees and interest under the Equal Access to Justice Act, the Civil Asset Forfeiture Reform Act, or any other legal or statutory bases.

10. This Stipulation of Settlement and Partial Final Order of Forfeiture may be executed in several counterparts. All such counterparts and signature pages, together, shall be deemed to be one document.

11. For purposes of construction, this Stipulation of Settlement and Partial Final Order of Forfeiture shall be deemed to have been drafted by all the Parties and shall not, therefore, be construed against any Party in any subsequent dispute.

12. This Stipulation of Settlement and Partial Final Order of Forfeiture constitutes the entire agreement between the Parties and may not be modified or amended except by a written instrument executed by all Parties hereto.


13. The Department of Homeland Security/Immigration Customs Enforcement ("DHS/ICE"), or its duly authorized agents and/or contractors shall dispose of the Forfeited Funds in accordance with all applicable laws and regulations.

14. The Clerk of the Court shall forward six certified copies of this Stipulation of Settlement and Partial Final Order of Forfeiture to Asset Forfeiture Specialist Brian Gappa at the United States Attorney's Office at 610 Federal Plaza, 5th Floor, Central Islip, New York 11722. The Clerk of the Court is also directed to close this case.

Dated: Brooklyn, New York
January 22, 2016

ROBERT L. CAPERS
United States Attorney
Eastern District of New York
271 Cadman Plaza, 7th Floor
Brooklyn, New York 11201
Attorney for United States

By:


Elliot M. Schachner
Assistant U.S. Attorney
(718) 254-6053

Dated: New York, New York
January 22, 2016

Crotty Saland
Attorneys for Noureen and Amar
52 Duane Street, 7th Floor
New York, New York 10007

By:


Duncan Levin, Esq
Of counsel

AGREED AND CONSENTED TO:

Shiasta Noureen
Shiasta Noureen

On the 26th day of January in the year 2016, before me, the undersigned, personally appeared Shiasta Noureen, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to above, and that by her signature on the within instrument, she executed the instrument.

[Signature]
NOTARY PUBLIC

DUNCAN LEVIN
Notary Public, State of New York
No. 02LE6116650
Qualified in New York County
Commission Expires October 10, 2016
Dec. 10, 2016

AGREED AND CONSENTED TO:

[Signature]
Nubiasha Amar

On the 26th day of January in the year 2016, before me, the undersigned, personally appeared Nubiasha Amar, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to above, and that by her signature on the within instrument, she executed the instrument.

[Signature]
NOTARY PUBLIC

DUNCAN LEVIN
Notary Public, State of New York
No. 02LE6116650
Qualified in New York County
Commission Expires October 10, 2016
Dec. 10, 2016

SO ORDERED this 26th day
of January, 2016

s/ Sandra J. Feuerstein

HONORABLE SANDRA J. FEUERSTEIN
UNITED STATES DISTRICT JUDGE

ATTACHMENT "A"

- 1 RING YELLOW METAL CLEAR AND GREEN STONES QTY:1.00
- 2 SET EARRINGS YELLOW METAL CLEAR AND GREEN QTY:1.00
- 3 PAIR YELLOW METAL EARRINGS QTY: 1.00
- 4 YELLOW METAL EARRINGS QTY: 1.00
- 5 YELLOW METAL EARRING QTY: 1.00
- 6 YELLOW METAL EARRINGS QTY:1.00
- 7 YELLOW METAL EARRINGS RED AND WHITE QTY:1.00
- 8 YELLOW METAL EARRINGS WHITE STONE BLACK QTY:1.00
- 9 YELLOW METAL EARRINGS QTY:1.00
- 10 YELLOW METAL EARRINGS QTY:1.00
- 11 YELLOW METAL EARRINGS RED GREEN WHITE ST QTY: 1.00
- 12 YELLOW METAL NECKLACE W RED INLAY QTY:1.00
- 13 YELLOW METAL HANGING EARRINGS QTY:1.00
- 14 YELLOW METAL ROPE STYLE CHAIN NECKLACE QTY:1.00
- 15 EARRINGS YELLOW METAL HEART SHAPED QTY: 1.00
- 16 YELLOW METAL PENDANT SILVER COLORED STO QTY: 1.00
- 17 PENDANT YELLOW METAL ARABIC WRITING QTY: 1.00

- 18 PENDANT YELLOW METAL RED STONES QTY: 1.00
- 19 PENDANT YELLOW METAL CLEAR STONES W ENGR QTY: 1.00
- 20 PENDANT YELLOW METAL CLEAR STONES N ENGR QTY: 1.00
- 21 PENDANT YELLOW METAL CLEAR STONES S ENGR QTY 1.00
- 22 PENDANT YELLOW METAL BLACK & CLEAR STONE QTY. 1.00
- 23 YELLOW METAL BRACELETS RED & GREEN STONE QTY. 1.00
- 24 YELLOW & WHITE METAL NECKLACE CROSS DESIG QTY:1.00
- 25 NECKLACE CLEAR STONES & YELLOW METAL PEN QTY: 1.00
- 26 YELLOW METAL NECKLACE GREEN/RED/BLACK ST QTY: 1.00
- 27 YELLOW METAL NECKLACE W BEADED PENDANT QTY: 1.00
- 28 ROPE STYLE YELLOW METAL NECKLACE QTY: 1.00
- 29 TWISTED ROPE STYLE YELLOW METAL CHAIN QTY:1.00
- 30 YELLOW METAL RING LARGE GREEN STONE QTY: 1.00
- 31 YELLOW METAL EARRINGS W GREEN & RED INLA QTY: 1.00
- 32 SPIRAL RING GREEN & CLEAR STONES QTY: 1.00
- 33 EARRING YELLOW METAL GREEN STONES QTY:1.00
- 34 EARRING YELLOW METAL QTY:1.00
- 35 YELLOW METAL RING CLEAR STONES "D" ENGRA QTY:1.00
- 36 YELLOW METAL RING WITH RED STONES QTY:1.00

- 37 YELLOW METAL RING WITH CLEAR STONES QTY:1.00
- 38 TRIPLE HOOP RING YELLOW METAL BLACK INLA QTY:1.00
- 39 YELLOW METAL BRACELET RED & GREEN STONES QTY:1.00
- 40 YELLOW METAL EARRINGS W GREEN STONES QTY:1.00
- 41 YELLOW METAL EARRINGS BLACK & RED STONES QTY:1.00
- 42 YELLOW METAL EARRINGS WITH CLEAR STONES QTY: 1.00
- 43 YELLOW METAL EARRINGS W YELLOW METAL BAU QTY: 1.00
- 44 YELLOW METAL EARRINGS, HINGEBACK QTY:1.00
- 45 YELLOW METAL EARRING W YELLOW BEADS QTY: 1.00
- 46 YELLOW METAL EARRINGS HARP SHAPE QTY:1.00
- 47 YELLOW METAL EARRINGS W YELLOW & WHITE M QTY:1.00
- 48 YELLOW METAL BRACELET WITH EYE DESIGN QTY:1.00
- 49 YELLOW METAL EARRINGS W BLACK INLAY QTY:1.00
- 50 YELLOW METAL EARRINGS WITH CURTAIN BAUBL QTY:1.00
- 51 YELLOW METAL EARRINGS WITH CLEAR STONES QTY:1.00
- 52 YELLOW METAL EARRINGS W CLEAR & GREEN ST QTY:1.00
- 53 YELLOW METAL EARRINGS WITH RED BAUBLES QTY:1.00
- 54 YELLOW METAL EARRINGS WITH RED & GREEN I QTY:1.00
- 55 YELLOW METAL EARRINGS W GOLD,RED,BLACK I QTY:1.00
- 56 YELLOW METAL EARRINGS W CLEAR STONES STA QTY:1.00
- 57 YELLOW METAL EARRING PYRAMID SHAPED QTY:1.00
- 58 YELLOW METAL EARRINGS HEART SHAPED QTY: 1.00
- 59 DIAMOND SHAPED YELLOW METAL EARRINGS QTY:1.00

60 DIAMOND SHAPED YELLOW METAL EARRINGS QTY:1.00

61 DIAMOND SHAPED YELLOW METAL NECKLACE W R: QTY: 1.00

62 PENDANT YELLOW METAL RED INLAY QTY: 1.00

63 PENDANT HEART SHAPED YELLOW METAL QTY: 1.00

64 PENDANT YELLOW METAL RED & BLACK STONES QTY: 1.00

65 PENDANT HEART SHAPED YELLOWMETAL RED QTY: 1.00

66 SINGLE EARRING YELLOW METAL GREEN STONE QTY:1.00

67 PENDANT YELLOW METAL FERRIS WHEEL STYLE QTY:1.00

68 YELLOW METAL RING CLEAR STONES FORM AN S QTY:1.00

69 MENS YELLOW METAL RING W 5 CLEAR STONES QTY:1.00

70 WHITE METAL SPIRAL RING LARGE PURPLE QTY:1.00

71 YELLOW METAL RING LARGE CLEAR STONE SEVE QTY:1.00

72 YELLOW METAL RING w/CLEAR STONES QTY:1.00

73 YELLOW METAL RING OVAL CLEAR STONE QTY:1.00

74 YELLOW METAL RING W 3 CLEAR STONES QTY:1.00

75 YELLOW METAL RING/BRACELET COMBO QTY:1.00

76 YELLOW METAL WRAP STYLE RING QTY: 1.00

77 BLACK JEWELRY CASE W 9 YELLOW MTL 1 GREE QTY:1.00

78 MATCHED SET EARRINGS, BRACELET, NECKLACE QTY:1.00

79 YELLOW METAL BRACELETS QTY:45.00